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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,503	06/26/2003	Jeyhan Karaoguz	14046US02	5221
23446 7590 12/28/2007 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER BURROWES, LAWRENCE J	
			ART UNIT 2619	PAPER NUMBER
			MAIL DATE 12/28/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/606,503

Applicant(s)

KARAOGUZ ET AL.

Examiner

LAWRENCE J. BURROWES

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-4, 7-9, 13-16 and 19-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Norman et al (6,049,533, hereafter Norman) in view of Mitts et al (5,896,373, hereafter Mitts).

For claims 1-4, 7-10, 13-16 and 19-25, Norman disclose providing communication in a hybrid wired/wireless local area network, the method, circuit and processor comprising: at least one broadcaster (see Figure 3 Box 42, transceiver) broadcasting at least one discovery message protocol message to at least one of a plurality of access points (see column 11 lines 34-39) and at least one receiver (see Figure 3 Box 42, transceiver) receiving a response from the at

least one of a plurality of access points, the response reporting a presence of at least one access device located within a coverage area of the at least one of a plurality of access points (see column 11 lines 34-39.

Norman disclose all of the subject matter of the claimed invention except a requester sending/requesting from the at least one of a plurality of access points, a status of the at least one access device located within a coverage area of the at least one of a plurality of access points and receiving from the at least one of a plurality of access points within whose coverage area the at least one access device is located, at least one status reply message indicating a status of the at least one of a plurality of access devices.

Mitts from the same or similar fields of endeavor teaches a requester (see Figure 1 Box 5) sending/requesting from the at least one of a plurality of access points, a status of the at least one access device located within a coverage area of the at least one of a plurality of access points (Figure 2a and column 5 lines 41-51, the requester sends and receives a status message or reply from the access point) and receiving from the at least one of a plurality of access points within whose coverage area the at least one access device is located, at least one status reply message indicating a status of the at least one of a plurality of access devices (Figure 2a and column 5 lines 41-51, the access point replies with a status message).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the status request of Mitts in the broadcast

system of Norman. The status request can be modified/implemented into the broadcast system by programming the access point to send a message requesting status of the access device. The motivation for doing so would be in order to increase efficiency of handover of a mobile between access point coverage areas.

4. Claims 5, 6, 11, 12, 17 and 18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Norman, in view of Mitts, and further in view of Freeburg (4,481,670).

For claims 5, 6, 11, 12, 17 and 18, Norman in view of Mitts teach the system according to the limitation for claims 1 and 7 above except broadcasting the discovery message from one of a server, a switch and at least one of the access points and broadcasting only to access points located in a particular subnetwork.

Freeburg from the same or similar fields of endeavor teaches broadcasting the discovery message from one of a server (see Figure 1 Box 102), a switch (see Figure 1 Box 104) and at least one of the access points (see Figure 1 Box 106) and broadcasting only to access points located in a particular subnetwork (see Figure 2 Box 212, 222 and 232).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the communication system of Freeburg in the broadcasting system combination of Norman and Mitts. The communication system can be modified/implemented into the broadcast system by connecting the server and the switch to the wired network. The motivation for doing so would offload

processing in access point to the server so the access points would not be overloaded.

***Response to Arguments***

5. Applicant's arguments, see pages 13-14, filed 26 September 2007, with respect to 101 rejections have been fully considered and are persuasive. The 101 rejections of claims 7-12 have been withdrawn.

6. Applicant's arguments, see pages 14-15, filed 26 September 2007, with respect to 112 1<sup>st</sup> rejections have been fully considered and are persuasive. The 112 1<sup>st</sup> rejections of claims 7-12 have been withdrawn.

7. Applicant's arguments, see page 15, filed 26 September 2007, with respect to 112 2<sup>nd</sup> rejections have been fully considered and are persuasive. The 112 2<sup>nd</sup> rejections of claims 7-12 have been withdrawn.

8. Applicant's arguments filed 26 September 2007 have been fully considered but they are not persuasive.

In response to applicant's argument under the heading "Rejection Under 35 U.S.C. 103" on page 15, the applicant argued that "Norman and Mitts does not disclose or suggest the limitation of "requesting from said at least one of a plurality of access points, a status of at least one access point device located within a coverage area of the at least one of plurality of access points". The examiner respectfully disagrees. Mitts disclose a requester (see Figure 5 Box 5) requesting from said at least one of a plurality of access points (see Figure 5 RR-

Status \_Enquiry and column 5 lines 41-51, switch requests the status of AP1), a status of at least one access point device (MT1) located within a coverage area of the at least one of plurality of access points (AP1 or AP2) (the message sent from CS can be sent to any access point and can include any mobile terminal which is connect to the access point)

### ***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAWRENCE J. BURROWES whose telephone number is (571) 270-1419. The examiner can normally be reached on Monday - Thursday 5:30am - 2pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan D. Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

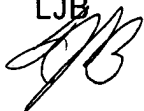
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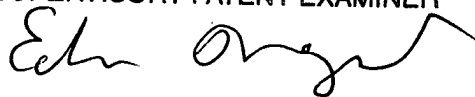
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LJB

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EDAN .ORGAD  
SUPERVISORY PATENT EXAMINER

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